

FOREST LAKE PUD MAJOR AMENDMENT

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: FOREST LAKE PUD MAJOR AMENDMENT

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 12/03/2003 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for a major amendment to an existing PUD agreement, located on the south side of Sand Lake Road, 0.4 miles east of Hunt Club Boulevard (Rob Matthews and Ellsworth Gallimore, applicants); or
2. Recommend DENIAL of the request for a major amendment to an existing PUD agreement, located on the south side of Sand Lake Road, 0.4 miles east of Hunt Club Boulevard (Rob Matthews and Ellsworth Gallimore, applicants); or
3. CONTINUE the public hearing until a time and date certain.

(District 3 – Commissioner Van Der Weide)

(Tina Deater, Senior Planner)

BACKGROUND:

The applicants, Rob Matthews of Zev Cohen & Associates and Ellsworth Gallimore of Gallimore Development, request a major amendment to an existing PUD agreement, which consists of relocating a recreation tract and clarifying the minimum setback requirements for pools and pool screen enclosures on single-family lots. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

Staff Recommendation:

Staff recommends APPROVAL of the requested major PUD amendment.

Reviewed by:	_____
Co Atty:	_____ <i>TC</i>
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z1990-019</u>

FOREST LAKE PUD MAJOR AMENDMENT

APPLICANT:	Rob Matthews and Ellsworth Gallimore				
PROPERTY OWNER:	Seventh Day Adventist Church				
REQUEST:	Major PUD Amendment				
HEARING DATES(S):	P&Z:	12/3/2003	BCC:	1/13/2004	
PARCEL ID NO.:	Part of 08-21-29-300-0110-0000				
PROJECT LOCATION:	Located on the south side of Sand Lake Rd., 0.4 miles east of Hunt Club Blvd.				
APPROXIMATE SIZE:	128.81 Acres				
FUTURE LAND USE:	PD (Planned Development)				
ZONING:	PUD (Planned Unit Development)				
FILE NUMBER:	Z1990-019				
COMMISSION DISTRICT:	District 3-Van Der Weide				

OVERVIEW

Zoning Request: The applicants, Rob Matthews of Zev Cohen & Associates and Ellsworth Gallimore of Gallimore Development, request a major amendment to an existing PUD agreement, which consists of relocating a recreation tract and clarifying the minimum setback requirements for pools and pool screen enclosures on single-family lots. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

The following table summarizes the existing surrounding land uses:

<i>Direction</i>	<i>Zoning</i>	<i>FLU</i>	<i>Use</i>
North	R-1, A-1	LDR	SFR
East	PUD, R-1AA	PD, Public	SFR
South	PUD	PD	Vacant, Commercial, Church, School
West	R-1AA, R-1AAA	LDR, Public	SFR

For more detailed information regarding zoning and land use, please refer to the attached map.

The current PUD has a gross area of approximately 128.81 acres, and is comprised of the following land uses:

<i>Use</i>	<i>Gross Acreage</i>	<i>Percent of Site</i>
Commercial	11.50	8.9%
Office	23.70	14.5%
Residential	62.8	48.8%
Active Recreation	2	1.6%
Open Space/ Conservation/Retention	29.81	23.1%
TOTAL	128.81	100%

This proposed major amendment would not change any of these existing uses and would not increase the intensity of use.

The Final Master Plan was approved by the Board of County Commissioners on December 12, 1995. The applicants are proposing to relocate Recreation Tract F, which contains approximately two acres, from the north central part of the PUD to the southwest side, as shown on the attached exhibit of the revised PUD plan. This recreation tract is required to have volleyball facilities or a multi-purpose playfield, a tot lot, picnic tables, and grills. It is intended to serve only the residents of the first phase of residential development, which consists of an approximately 112 dwelling unit subdivision. This change would not affect any of the other proposed uses within the PUD. The new location of the recreation tract may create noise impacts on the adjacent subdivision to the west, and therefore, staff is recommending the following conditions to mitigate the potential adverse impacts:

1. No lighting of the recreation area shall be allowed,
2. Hours of use shall be limited to daylight hours, and signage indicating these hours shall be posted, and
3. A six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

Staff is also recommending that as part of this major amendment process, the opportunity should be taken to clarify the minimum setback requirements for pools and pool screen enclosures on single-family lots. This will prevent residents from requesting variances in the future. The following table summarizes the existing minimum setback requirements, and the proposed minimum setback requirements for pools and pool screen enclosures:

<i>Setback</i>	<i>Existing</i>	<i>Proposed for Pools</i>	<i>Proposed for Pool Screen Enclosures</i>
<i>Side</i>	6 feet	7.5 feet	5 feet
<i>Rear</i>	20 feet	8 feet	6 feet

SITE ANALYSIS

Facilities and Services:

Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

Water and Sewer:

Water and sewer services are provided by Sanlando Utilities.

Compliance with Environmental Regulations:

Prior to approval of final engineering plans, the developer will be required to provide:

1. An acceptable mitigation plan for proposed wetland impacts;
2. A Listed Species survey report;
3. A plan showing an upland buffer landward of post development wetlands not less than 15 feet and averaging 25 feet.

Compatibility with Surrounding Development:

The existing PUD zoning classification and the PD future land use designation are compatible with the surrounding land use designations.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the requested major PUD amendment, which consists of relocating a recreation tract and clarifying the setback requirements for pools and pool screen enclosures on single-family lots to be: side yard, 7.5 feet for pools and 5 feet for screen enclosures; and rear yard, 8 feet for pools and 6 feet for screen enclosures, with the following conditions:

1. No lighting of the recreation area shall be allowed,
2. Hours of use shall be limited to daylight hours and signage indicating these hours shall be posted, and

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4. A six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.



ZEV COHEN CONSULTANTS, INC.
10000 N. W. 10th Avenue, Suite 100
Miami, Florida 33150
Phone: (305) 551-1000
Fax: (305) 551-1001
E-Mail: zc@zevc.com

PROJECT: FOREST LAKE ACADEMY
FINAL MASTER PLAN
OVERALL MASTER PLAN
DATE: 10/20/03
DRAWN BY: ZC
CHECKED BY: ZC
APPROVED BY: ZC

SCALE: 1" = 200'

DATE: 10/20/03

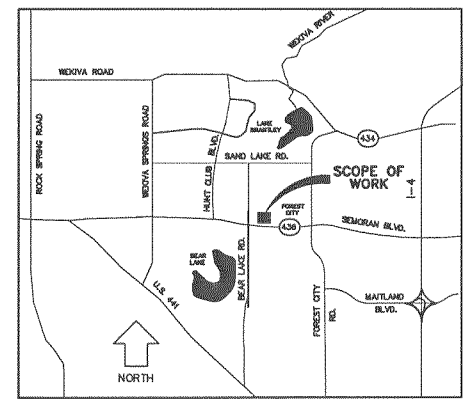
PROJECT: FOREST LAKE ACADEMY

FINAL MASTER PLAN

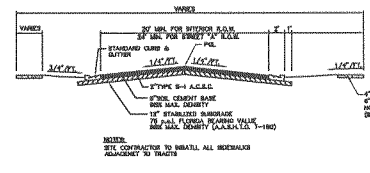
OVERALL MASTER PLAN

DATE: 10/20/03

SCALE: 1" = 200'



VICINITY MAP
SCALE: 1/4" = 1 MILE



ROADWAY SECTION



MULCH PATH DETAIL

TRACT	NAME	AREA (AC)	NO. OF LOTS	NO. OF UNITS	NO. OF STUDENTS	NO. OF TEACHERS	NO. OF PARENTS
A	COMMERCIAL	11.50	11.50	-	-	-	5.0
B-1	OFFICE	0.80	0.80	-	-	-	0.2
B-2	OFFICE	18.50	18.50	-	-	-	10.0
C-1	PERMANENT	18.50	18.50	172	8.0	15.0	16.0
C-2	PERMANENT	8.50	8.50	74	3.0	10.0	8.0
D	PERMANENT	15.70	15.70	80	3.0	10.0	12.0
E	PERMANENT	18.50	18.50	82	3.0	10.0	10.0
F	RECREATION	2.00	2.00	-	-	-	1.0
G	RECREATION	16.30	16.30	-	-	-	10.0
H	RECREATION	11.50	11.50	-	-	-	10.0
I	TOTAL	115.00	115.00	328	24.0	50.0	100.0

10% OF TOTAL AREA WITHIN THE STUDY AREA IS DESIGNATED FOR RECREATION AND OPEN SPACE. RECREATION IS TO BE USED FOR THE FOLLOWING PURPOSES: RECREATION, OPEN SPACE, AND RECREATION.

Notes: 1. All dimensions are in feet unless otherwise noted.

2. All dimensions are in feet unless otherwise noted.

3. All dimensions are in feet unless otherwise noted.

4. All dimensions are in feet unless otherwise noted.

5. All dimensions are in feet unless otherwise noted.

6. All dimensions are in feet unless otherwise noted.

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17. All dimensions are in feet unless otherwise noted.

18. All dimensions are in feet unless otherwise noted.

19. All dimensions are in feet unless otherwise noted.

20. All dimensions are in feet unless otherwise noted.

21. All dimensions are in feet unless otherwise noted.

22. All dimensions are in feet unless otherwise noted.

23. All dimensions are in feet unless otherwise noted.

24. All dimensions are in feet unless otherwise noted.

25. All dimensions are in feet unless otherwise noted.

FILE # Z1990-019

DEVELOPMENT ORDER # 03-21700006

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On December 9, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Seventh Day Adventist Church

Project Name: Forest Lake PUD Major Amendment

Requested Development Approval: Rezone from PUD (Planned Unit Development) to
PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. No lighting of the recreation area shall be allowed,
- b. Hours of use shall be limited to daylight hours and signage indicating these hours shall be posted, and
- c. A six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

Board of Seminole County Commissioners

By: _____
Daryl McLain, Chairman

OWNER’S CONSENT AND COVENANT

COMES NOW, the owner, The Seventh Day Adventist Church, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Randee R. Reynolds, Vice President,
Florida Conference Association of Seventh
Day Adventists

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by Randee R. Reynolds, the Vice President of the Florida Conference Association of Seventh Day Adventists on behalf of the corporation who is personally known to me or has produced _____ as identification and did take an oath.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A LEGAL DESCRIPTION

I. LEGAL DESCRIPTION

The South 1/2 of the Northwest 1/4 (less the East 1/8 of the North 1/2) and the Southwest 1/4 and the Southwest of the Southeast 1/4 of Section 8, Township 21 South, Range 29 East; also that portion of the East 1/2 of the Northwest 1/4 and that portion of the Northwest 1/4 of the Northeast 1/4 lying North of State Road 436, of Section 17, Township 21 South, Range 29 East, all in Seminole County, Florida.

LESS:

Begin at the Southerly Right-of-way line of Sand Lake road (a 60 foot Right-of-way) and the East line of the West 7/8 of the North 1/2 of the South 1/2 of the Northwest 1/4 of aforesaid Section 8; thence Westerly along said Southerly Right-of-way line for 1,100 feet; thence Southerly at right angles to said Southerly Right-of-way line for 1,150 feet; thence Easterly at right angles to the last line for 700 feet; thence Northerly at right angles to the last line for 790 feet; thence Easterly at right angles to the last line for 390 feet, more or less, to the aforesaid East line of the West 7/8 of the North 1/2 of the South 1/2 of the Northwest 1/4 of Section 8; thence Northerly along said East line for 360 feet, more or less, to the Point of Beginning.

AND LESS:

Beginning at the Southeast corner of the North 1/2 of the Southwest 1/4 of Section 8, Township 21 South, Range 29 East; thence North 00°24'40" East along the East line of said north 1/2 of the Southwest 1/4 for 502 feet; thence North 79°39'52" West for 1,805 feet; thence South 00°20'08" West for 528 feet; thence South 34°39'52" East for 190 feet; thence South 32°20'08" West for 496.00 feet; thence South 01°20'08" West for 380.00 feet; thence South 23°39'52" East for 340 feet, more or less, to the Northerly Right-of-way line of State Road No. 436 (Semoran Boulevard); thence Easterly along the Northerly Right-of-way line of said State Road No 436 for 3,064 feet, more or less, to the Westerly Right-of-way line of West Lake Brantley Road; thence Northerly along said Westerly Right-of-way line for 2,092 feet, more or less, to the North line of the Southwest 1/4 of the Southeast 1/4 of aforesaid Section 8; thence Westerly along said North line for 1,223 feet, more or less, to the Point of Beginning.

Containing 128.81 acres, more or less.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD ZONING CLASSIFICATION THE PUD ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Forest Lake PUD Major Amendment".

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from PUD to PUD:

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing by the Department.

ENACTED this ____ day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A

Legal Description

I. LEGAL DESCRIPTION

The South 1/2 of the Northwest 1/4 (less the East 1/8 of the North 1/2) and the Southwest 1/4 and the Southwest of the Southeast 1/4 of Section 8, Township 21 South, Range 29 East; also that portion of the East 1/2 of the Northwest 1/4 and that portion of the Northwest 1/4 of the Northeast 1/4 lying North of State Road 436, of Section 17, Township 21 South, Range 29 East, all in Seminole County, Florida.

LESS:

Begin at the Southerly Right-of-way line of Sand Lake road (a 60 foot Right-of-way) and the East line of the West 7/8 of the North 1/2 of the South 1/2 of the Northwest 1/4 of aforesaid Section 8; thence Westerly along said Southerly Right-of-way line for 1,100 feet; thence Southerly at right angles to said Southerly Right-of-way line for 1,150 feet; thence Easterly at right angles to the last line for 700 feet; thence Northerly at right angles to the last line for 790 feet; thence Easterly at right angles to the last line for 390 feet, more or less, to the aforesaid East line of the West 7/8 of the North 1/2 of the South 1/2 of the Northwest 1/4 of Section 8; thence Northerly along said East line for 360 feet, more or less, to the Point of Beginning.

AND LESS:

Beginning at the Southeast corner of the North 1/2 of the Southwest 1/4 of Section 8, Township 21 South, Range 29 East; thence North 00°24'40" East along the East line of said north 1/2 of the Southwest 1/4 for 502 feet; thence North 79°39'52" West for 1,805 feet; thence South 00°20'08" West for 528 feet; thence South 34°39'52" East for 190 feet; thence South 32°20'08" West for 496.00 feet; thence South 01°20'08" West for 380.00 feet; thence South 23°39'52" East for 340 feet, more or less, to the Northerly Right-of-way line of State Road No. 436 (Semoran Boulevard); thence Easterly along the Northerly Right-of-way line of said State Road No 436 for 3,064 feet, more or less, to the Westerly Right-of-way line of West Lake Brantley Road; thence Northerly along said Westerly Right-of-way line for 2,092 feet, more or less, to the North line of the Southwest 1/4 of the Southeast 1/4 of aforesaid Section 8; thence Westerly along said North line for 1,223 feet, more or less, to the Point of Beginning.

Containing 128.81 acres, more or less.